

Docket No.: 00-0182
Bench Date: 09-19-00
Deadline: N/A

MEMORANDUM

TO: The Commission

FROM: Michael L. Wallace, Hearing Examiner

DATE: September 15, 2000

SUBJECT: Illinois Commerce Commission
On Its Own Motion

Regulation of Meter Service Providers

RECOMMENDATION: Enter previously distributed order with certain amendments

The order in this matter was previously distributed for the regular open meeting held on September 13, 2000. The only change that I would suggest is on pages 3-4 of the order (Section B (2)). I have amended this section to more completely reflect the parties' comments. I suggest the following replacement language:

2. Section 460.20 Application

Section 460.20 provides:

This Part sets forth minimum requirements and shall apply to any applicant and MSP in this State. This Part shall not apply to an electric cooperative's operations or to a municipal system's operations within its service territory, nor shall it apply to any electric utility's operation within the utility's service territory. However, this Part shall apply to an electric cooperative's operations, municipal system's operations and an electric utility's operations when it is providing metering services outside of its service territory.

a. Staff's Comments

Staff proposes to add a provision to this section to require electric utilities, municipalities, and electric cooperatives to obtain certification when providing metering services outside their service territories. The new language is incorporated above and in the Appendix hereto. Staff asserts that its proposal will ensure that all providers of unbundled metering service are qualified to provide safe, accurate metering.

b. AIEC's Comments

AIEC generally agreed with the new language provided by Staff, i.e., if an electric cooperative wants to provide electric metering services in the service territory of an electric utility, it is only fair that the electric cooperative become certified under the rules. AIEC stated, however, that it is not uncommon for cooperatives to work together to perform metering programs, projects, experiments and ventures in their respective service territories. AIEC seeks assurances that electric cooperatives will be able to continue to work with other electric cooperatives on a purely voluntary and cooperative basis on metering projects. AIEC states that these projects will be in the service areas of cooperatives where the Commission has no jurisdiction and where metering is not unbundled. AIEC also proposed additional language as follows:

However, this Part shall apply to an electric cooperative's operations and a municipal system's operations when it is providing metering services in the service territory of an electric utility. Further, this Part shall apply to an electric utility's operation when it is providing metering services in the service territory of another electric utility.

cb. Commission's Conclusion

The Commission concludes that Staff's additional proposal to Section 460.20 should be adopted. The Commission declines to adopt AIEC's suggested language because it is unnecessary. While it is clear that electric cooperatives working together on metering programs, projects, experiments and ventures in their respective service territories would be outside the Commission's jurisdiction, it is not clear what the outcome would be if an electric cooperative elects to be an alternative retail electric supplier under Section 17-300 and MSPs attempt to provide metering services in the cooperative's service territory. Section 17-300 requires that a municipality or electric cooperative provide "reasonably comparable ...delivery services" to become a certified ARES (220 ILCS 5/17-300) and the Commission can not prejudge what will constitute reasonably comparable delivery services for future cases. The new language proposed by Staff and incorporated into the Appendix properly requires electric utilities, electric cooperatives, and municipal systems to obtain certification pursuant to Part 460 when providing metering services outside their service territories.

MLW/lw